

## CRIMINAL ACTION NO. 05-30002-MA

UNITED STATES OF AMERICA        )  
                                        )  
                                        )  
v.                                     )  
                                        )  
                                        )  
FRANK DEPERGOLA                    )  
Defendant                            )

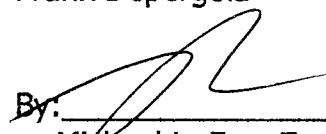
DEFENDANT, FRANK DEPERGOLA'S MOTION FOR DOWNWARD DEPARTURE AND  
CONSIDERATION PURSUANT TO 18 U. S. C. § 3553 (b)

Now comes the Defendant, Frank Depergola, by and through undersigned counsel, and hereby files this Motion for Downward Departure and consideration pursuant to 18 U. S. C. § 3553 (b). In this motion, Mr. Depergola requests that this Court depart downwardly several levels from the sentence otherwise applicable under the guidelines.

Mr. Depergola will request a downward departure at this sentencing which is scheduled for Wednesday, October 18<sup>th</sup>, 2006 at 3:00 p.m. In support of said motion see attached affirmation of counsel.

The Defendant,  
Frank Depergola

By:

  
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Date: 9/30/06